



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT THE BOOT FACTORY, SPRING STREET, BONDI JUNCTION ON
TUESDAY, 10 DECEMBER 2024**

Present:

Councillor Will Nemesh (Mayor) (Chair)	Hunter Ward
Councillor Keri Spooner (Deputy Mayor)	Waverley Ward
Councillor Ludovico Fabiano	Waverley Ward
Councillor Dov Frazer	Hunter Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Margaret Merten	Bondi Ward
Councillor Joshua Spicer	Waverley Ward
Councillor Michelle Stephenson	Bondi Ward
Councillor Lauren Townsend	Lawson Ward
Councillor Katherine Westwood	Lawson Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Emily Scott	General Manager
Sharon Cassidy	Director, Assets and Operations
Tara Czinner	Director, Corporate Services
Fletcher Rayner	Director, Planning, Sustainability and Compliance
Ben Thompson	Director, Community, Culture and Customer Experience

At the commencement of proceedings at 7.01 pm, those present were as listed above.

Cr Wy Kanak attended the meeting by audio-visual link.

At 8.55pm, during the consideration of item CM/7.1/24.12, the meeting adjourned for a short break.

At 9.03 pm, the meeting resumed.

At 10.19 pm, following the vote on item CM/7.10/24.12, the meeting adjourned for a short break.

At 10.28 pm, the meeting resumed.

At 11.29 pm, during the consideration of item CM/11.1/24.12, a procedural motion to extend the meeting by 30 minutes, moved by Cr Nemesh and seconded by Cr Spicer, was put and declared carried unanimously.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Mayor read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our local government area.

1. Apologies/Leaves of Absence

There were no apologies.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

3. Obituaries

There were no obituaries.

4. Addresses by Members of the Public

4.1 L Goltsman – CM/7.1/24.12 – Excluded Business.

4.2 A Kern (on behalf of Save Bondi Village) – CM/7.8/24.12 – Planning Proposal – Dwelling Density – Post-Exhibition.

4.3 J Iggleden – CM/7.11/24.12 – NSW Shark Management Program Consultation.

4.4 A Curry – CM/7.11/24.12 – NSW Shark Management Program Consultation.

4.5 J Lehmann – CM/7.12/24.12 – Bondi Golf Course – Water Overflow.

4.6 A Pears – CM/8.5/24.12 Murriverie Road, North Bondi – Pedestrian and Traffic Safety.

4.7 B Scaffidi (on behalf of Bronte Surf Life Saving Club) – CM/11.1/24.12 CONFIDENTIAL REPORT – Bronte Surf Life Saving Club and Community Facilities Building Upgrade – Funding Strategy.

- 4.8 K Johns (on behalf of Bronte Surf Life Saving Club) – CM/11.1/24.12 CONFIDENTIAL REPORT – Bronte Surf Life Saving Club and Community Facilities Building Upgrade – Funding Strategy.
- 4.9 D Mitchell – CM/11.3/24.12 – Drainage Reserve between Dickson Lane and Belgrave Street, Bronte – Update.

5. Confirmation and Adoption of Minutes

CM/5.1/24.12 Confirmation of Minutes - Council Meeting - 26 November 2024 (A23/0761)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesch

Seconder: Cr Frazer

That the minutes of the Council meeting held on 26 November 2024 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

6. Mayoral Minutes

CM/6.1/24.12 Response to Terror Attack on Adass Israel Synagogue (A23/0698)

MOTION

Mover: Cr Nemesch

That Council:

1. Notes the recent terror attack at Adass Israel Synagogue in Melbourne on 6 December 2024.
2. Writes to the Adass Israel Synagogue condemning the terrorist attack and expressing our support and solidarity for the Synagogue and its community.
3. Further notes the antisemitic vandalism that occurred in Woollahra on 21 November 2024 and the ongoing antisemitic graffiti within Waverley as noted by resolutions CM/6.2/24.08 and CM/6.1/24.11.
4. Welcomes the NSW Premier's statement on 8 December 2024 that the NSW Government will review laws to protect places of worship following the terror attack on Adass Israel Synagogue in Melbourne.
5. Recognises that Waverley has the highest concentration of Jewish residents of any local government area within NSW and has the highest concentration of synagogues within NSW.
6. Immediately writes to the NSW Premier, the Hon Chris Minns MP, to convene an urgent meeting with himself and all the following listed individuals to discuss the ongoing rise of antisemitism in our local communities and how both State and local government can proactively and collaboratively work together to combat it, including:
 - (a) The Mayor and General Manager of Waverley Council.
 - (b) The Mayor and General Manager of Woollahra Council.
 - (c) The Mayor and General Manager of Randwick Council.

(d) The Member for Vacluse.

(e) The Member for Coogee.

7. Writes to the following individuals and organisations informing them of this resolution:

(a) The Mayor and General Manager of Woollahra Council.

(b) The Mayor and General Manager of Randwick Council.

(c) The Member for Vacluse.

(d) The Member for Coogee.

(e) The NSW Jewish Board of Deputies.

(f) The Sydney Jewish Museum.

(g) All synagogues within the Waverley local government area.

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That the following clause 7(h) be added to the motion:

‘The Member for Wentworth, Allegra Spender.’

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That the following clause 7(h) be added to the motion:

‘The Jewish Council of Australia.’

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Notes the recent terror attack at Adass Israel Synagogue in Melbourne on 6 December 2024.
2. Writes to the Adass Israel Synagogue condemning the terrorist attack and expressing our support and solidarity for the Synagogue and its community.
3. Further notes the antisemitic vandalism that occurred in Woollahra on 21 November 2024 and the ongoing antisemitic graffiti within Waverley as noted by resolutions CM/6.2/24.08 and CM/6.1/24.11.
4. Welcomes the NSW Premier’s statement on 8 December 2024 that the NSW Government will review laws to protect places of worship following the terror attack on Adass Israel Synagogue in Melbourne.
5. Recognises that Waverley has the highest concentration of Jewish residents of any local government area within NSW and has the highest concentration of synagogues within NSW.

6. Immediately writes to the NSW Premier, the Hon Chris Minns MP, to convene an urgent meeting with himself and all the following listed individuals to discuss the ongoing rise of antisemitism in our local communities and how both State and local government can proactively and collaboratively work together to combat it, including:
- (a) The Mayor and General Manager of Waverley Council.
 - (b) The Mayor and General Manager of Woollahra Council.
 - (c) The Mayor and General Manager of Randwick Council.
 - (d) The Member for Vaucluse.
 - (e) The Member for Coogee.
7. Writes to the following individuals and organisations informing them of this resolution:
- (a) The Mayor and General Manager of Woollahra Council.
 - (b) The Mayor and General Manager of Randwick Council.
 - (c) The Member for Vaucluse.
 - (d) The Member for Coogee.
 - (e) The NSW Jewish Board of Deputies.
 - (f) The Sydney Jewish Museum.
 - (g) All synagogues within the Waverley local government area.

7. Reports

CM/7.1/24.12 Excluded Business (SF24/5716)

MOTION

Mover: Cr Nemesch
Seconder: Cr Westwood

That Council notes that the General Manager excluded a notice of motion from Crs Lewis, Spooner, Merten and Masselos from the November Council meeting agenda, in accordance with clause 3.22 of the Code of Meeting Practice.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO MOVE INTO CLOSED SESSION TO DEAL WITH THIS ITEM, MOVED BY CR NEMESH AND SECONDED BY CR FRAZER, WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

At 7.56 pm, Council moved into closed session.

AMENDMENT

Mover: Cr Lewis
Seconder: Cr Merten

That the motion be amended to read as follows:

That:

1. Council notes that:
 - (a) The General Manager excluded a notice of motion from Crs Lewis, Spooner, Merten and Masselos from the November Council meeting agenda in accordance with clause 3.22 of the Code of Meeting Practice.
 - (b) Following receipt of a Code of Conduct complaint (Complaint), an investigation was undertaken in accordance with Council's Procedures for the Administration of the Code of Conduct (Procedures) and that a final investigation report in respect of the Complaint was received on 13 September 2024.
 - (c) Clause 7.35 of the Procedures provides that an investigator's final report must:
 - (i) Make findings of fact in relation to the matter investigated.
 - (ii) Make a determination that the conduct investigated either constitutes a breach of the code of conduct or does not constitute a breach of the code of conduct.
 - (iii) Provide reasons for the determination.
 - (d) Clause 7.36 of the Procedures provides that the investigator's final report must contain, inter alia, the following information:
 - (i) A description of the allegations against the respondent.
 - (ii) A statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23).
 - (iii) A statement of reasons as to why the matter was one that could not or should not be resolved by alternative means.
 - (iv) The steps taken to investigate the matter.
 - (v) The facts of the matter.
 - (vi) The investigator's findings in relation to the facts of the matter and the reasons for those findings.
 - (vii) The investigator's determination and the reasons for that determination any recommendations.
 - (e) Clause 7.37 of the Procedures provides that where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct by a councillor, the investigator may make a recommendation that the councillor be formally censured for the breach under section 440G of the *Local Government Act*.
 - (f) The investigator can also recommend that Council revise any of its policies, practices or procedures under clause 7.39 of the Procedures.
 - (g) Clause 7.44 of the Procedures provides that where the investigator has determined that there

has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration.

- (h) Section 440(5) of the *Local Government Act* provides that councillors and members of staff must comply with the applicable provisions of Code of Conduct.
- 2. Council obtains external legal advice as to whether the final investigation report of the conduct reviewer received by Council's complaints coordinator on 13 September 2024 in respect of the Code of Conduct complaint can be considered by Council.
- 3. Officers prepare a report to Council tabling the legal advice in confidential session at the February 2025 Council meeting.

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

AT THIS STAGE IN THE PROCEEDINGS, A PROCEDURAL MOTION TO RESUME IN OPEN SESSION, MOVED BY CR NEMESH AND SECONDED BY CR MASSELOS, WAS PUT AND DECLARED CARRIED.

At 9.13 pm, Council resumed in open session.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That:

- 1. Council notes that:
 - (a) The General Manager excluded a notice of motion from Crs Lewis, Spooner, Merten and Masselos from the November Council meeting agenda in accordance with clause 3.22 of the Code of Meeting Practice.
 - (b) Following receipt of a Code of Conduct complaint (Complaint), an investigation was undertaken in accordance with Council's Procedures for the Administration of the Code of Conduct (Procedures) and that a final investigation report in respect of the Complaint was received on 13 September 2024.
 - (c) Clause 7.35 of the Procedures provides that an investigator's final report must:
 - (i) Make findings of fact in relation to the matter investigated.
 - (ii) Make a determination that the conduct investigated either constitutes a breach of the code of conduct or does not constitute a breach of the code of conduct.
 - (iii) Provide reasons for the determination.
 - (d) Clause 7.36 of the Procedures provides that the investigator's final report must contain, inter alia, the following information:
 - (i) A description of the allegations against the respondent.
 - (ii) A statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23).

- (iii) A statement of reasons as to why the matter was one that could not or should not be resolved by alternative means.
 - (iv) The steps taken to investigate the matter.
 - (v) The facts of the matter.
 - (vi) The investigator's findings in relation to the facts of the matter and the reasons for those findings.
 - (vii) The investigator's determination and the reasons for that determination any recommendations.
- (e) Clause 7.37 of the Procedures provides that where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct by a councillor, the investigator may make a recommendation that the councillor be formally censured for the breach under section 440G of the *Local Government Act*.
- (f) The investigator can also recommend that Council revise any of its policies, practices or procedures under clause 7.39 of the Procedures.
- (g) Clause 7.44 of the Procedures provides that where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration.
- (h) Section 440(5) of the *Local Government Act* provides that councillors and members of staff must comply with the applicable provisions of Code of Conduct.
2. Council obtains external legal advice as to whether the final investigation report of the conduct reviewer received by Council's complaints coordinator on 13 September 2024 in respect of the Code of Conduct complaint can be considered by Council.
3. Officers prepare a report to Council tabling the legal advice in confidential session at the February 2025 Council meeting.

L Goltsman addressed the meeting.

CM/7.2/24.12 Audit, Risk and Improvement Committee - Independent Membership Extension (SF24/5540)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Extends the term of John Gordon as an independent member of the Audit, Risk and Improvement Committee to 17 September 2027 and appoints him Chair of the Committee.
2. Extends the term of Elizabeth Gavey as an independent member of the Committee to 31 December 2025.

3. Extends the term of Sheridan Dudley as an independent member of the Committee to 15 August 2027.

CM/7.3/24.12 Council Resolutions - Status Update (SF22/3521)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council notes the status of outstanding resolutions from February 2018 to October 2024, as set out in the attachment to the report.

CM/7.4/24.12 Sponsorship Policy - Adoption (A24/0140)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Adopts the Sponsorship Policy attached to the report.
2. Officers prepare a report to Council investigating required amendments to the *Waverley Local Environmental Plan 2012* to support sponsorship advertising on land owned by Council or under the care, control and management of Council.

CM/7.5/24.12 Antisemitic Graffiti - Council Response (A23/0761)

MOTION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Notes the resolution CM/6.1/24.11 in which Council will host a Mayoral roundtable with the Sydney Jewish Museum, NSW Jewish Board of Deputies and other stakeholders in early 2025.
2. Continues to:
 - (a) Work with the Waverley community and NSW Police to ensure Council is resourced and equipped to respond to instances of antisemitic graffiti and vandalism now and into the future.
 - (b) Undertake a holistic CCTV network review and explore appropriate infrastructure where more sophisticated CCTV cameras can be installed with a report to come back to Council no later than March 2025 on the findings of the review.
 - (c) Maintain a register of antisemitic graffiti (which includes the date, time and location of each incident) and provide that register every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.

3. Holds a Councillor workshop no later than February 2025 to review and provide feedback on the holistic CCTV network audit and potential upgrades (including budget implications).
4. Officers to review and update Council's current CCTV Code of Practice and Policy in a report to come back to Council at the same time as the report in 2(b) to include the following:
 - (a) Data retention policy and specifically how long will the CCTV footage and metadata be held and privacy implications.
 - (b) Access and privacy framework including who will have access to the CCTV footage and metadata and on what basis.

AMENDMENT (LAPSED)

Mover: Cr Wy Kanak

That clause 2(c) be amended to read as follows:

'Maintain a register of antisemitic graffiti (which includes the date, time and location of each incident) and provide that register every six months to the NSW Police, NSW Jewish Board of Deputies, the Jewish Council of Australia and the Special Envoy to Combat Antisemitism in Australia.'

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Notes the resolution CM/6.1/24.11 in which Council will host a Mayoral roundtable with the Sydney Jewish Museum, NSW Jewish Board of Deputies and other stakeholders in early 2025.
2. Continues to:
 - (a) Work with the Waverley community and NSW Police to ensure Council is resourced and equipped to respond to instances of antisemitic graffiti and vandalism now and into the future.
 - (b) Undertake a holistic CCTV network review and explore appropriate infrastructure where more sophisticated CCTV cameras can be installed with a report to come back to Council no later than March 2025 on the findings of the review.
 - (c) Maintain a register of antisemitic graffiti (which includes the date, time and location of each incident) and provide that register every six months to the NSW Police, NSW Jewish Board of Deputies and the Special Envoy to Combat Antisemitism in Australia.
3. Holds a Councillor workshop no later than February 2025 to review and provide feedback on the holistic CCTV network audit and potential upgrades (including budget implications).
4. Officers to review and update Council's current CCTV Code of Practice and Policy in a report to come back to Council at the same time as the report in 2(b) to include the following:
 - (a) Data retention policy and specifically how long will the CCTV footage and metadata be held and privacy implications.
 - (b) Access and privacy framework including who will have access to the CCTV footage and metadata and on what basis.

CM/7.6/24.12 Waverley Business Forum - Terms of Reference (A24/0997)**MOTION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Adopts the terms of reference for the Waverly Business Forum attached to the report.
2. Appoints Cr Nemesh as Chair and Cr Fabiano as Deputy Chair of the Waverley Business Forum until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for up to 10 community members with experience in small business, economic development, innovation or tourism to be appointed to the Forum.

THE MOVER OF THE MOTION ACCEPTED AMENDMENTS TO CLAUSES 1 AND 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Adopts the terms of reference for the Waverley Business Forum attached to the report, subject to the Forum having two deputy chairs.
2. Appoints Cr Nemesh as Chair and Crs Fabiano and Masselos as Deputy Chairs of the Waverley Business Forum until the next mayoral election on 15 September 2026.
3. Invites expressions of interest for up to 10 community members with experience in small business, economic development, innovation or tourism to be appointed to the Forum.

CM/7.7/24.12 NSW Housing Reform - Communications Strategy (A23/0406)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Approves the communications strategy and key messages, as set out in the report, regarding the NSW Low- and Mid-Rise Housing Reforms.
2. Authorises the General Manager, in consultation with the Mayor, to update the key messaging of each strategy, should the policy be adopted by the State Government.

CM/7.8/24.12 Planning Proposal - Dwelling Density - Post-Exhibition (PP-3/2023)

A notice of motion to rescind this resolution has been submitted with the General Manager. The rescission motion will be considered at the Council meeting on 18 February 2025.

MOTION / DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Does not proceed with the planning proposal to limit the reduction of residential density in R3 Medium Density Residential and R4 High Density Residential zones.
2. Notifies the Department of Planning, Housing and Infrastructure and those who made submissions of Council's decision.

THE MOTION WAS PUT AND DECLARED CARRIED ON THE CASTING VOTE OF THE CHAIR.

Division

For the Motion: Crs Frazer, Nemesh, Spicer, Stephenson, Townsend and Westwood.

Against the Motion: Crs Fabiano, Lewis, Masselos, Merten, Spooner and Wy Kanak.

A Kern (on behalf of Save Bondi Village) addressed the meeting.

CM/7.9/24.12 Bondi Junction Vision and Master Plan - Project Plan (SF24/6199)**MOTION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council adopts the Bondi Junction Vision and Master Plan Project Plan attached to the report.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. Council adopts the Bondi Junction Vision and Master Plan Project Plan attached to the report.
2. The Project Control Group produce a short status report to Council at the meetings to be held in May, August and December 2025 and March, June and September 2026 providing a summary of the progress in completing the phases identified in the project plan, the costs incurred and any other relevant matter.

AMENDMENT (LAPSED)

Mover: Cr Fabiano

That clause 1 be amended to read as follows:

'Council adopts the Bondi Junction Vision and Master Plan Project Plan attached to the report, subject to the following amendments:

- (a) Page 140 of the agenda, "Background" – Add the following text:

"Bondi Junction's significant, windy ridgetop location has a long Aboriginal history. Contemporary placemaking should now see involvement of Aboriginal advice and expertise in designing its future form and circulation logic. It has seen considerable change since its early post settlement days as a local main street and junction for those going towards Charing Cross and South Head and Bondi

Beach. In the 1970s, the building of the Eastern Suburbs Railway with its terminus at Bondi Junction saw wholesale changes to the Junction. It became a transport and retail hub and subsequently a CBD with commercial and residential buildings.”

- (b) Page 144 of the agenda, “Phase 1, List key tasks” – Amend to read as follows: “Project Brief developed based on procurement of lead consultant for Master Planning Services.””

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That:

1. Council adopts the Bondi Junction Vision and Master Plan Project Plan attached to the report.
2. The Project Control Group produce a short status report to Council at the meetings to be held in May, August and December 2025 and March, June and September 2026 providing a summary of the progress in completing the phases identified in the project plan, the costs incurred and any other relevant matter.

Division

For the Motion: Crs Fabiano, Frazer, Lewis, Merten, Nemesh, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Cr Masselos.

CM/7.10/24.12 Planning Agreement - 97 Glenayr Avenue, Bondi Beach (SF24/4332)

MOTION

Mover: Cr Nemesh

Seconder: Cr Stephenson

That Council:

1. Approves the planning agreement attached to the report applying to land at 97 Glenayr Avenue, Bondi Beach, offering a total monetary contribution of \$237,030, with \$177,772.50 (75%) to be allocated to works outlined in the Bondi Park Plan of Management and the proposed basketball courts (CM/8.5/24.11) for the Bondi Beach area, and \$59,257.50 (25%) to be allocated to the Waverley’s Affordable Housing Program, in accordance with Council’s Planning Agreement Policy
2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 1.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED.

DECISION

That Council:

1. Approves the planning agreement attached to the report applying to land at 97 Glenayr Avenue, Bondi Beach, offering a total monetary contribution of \$237,030, with \$177,772.50 (75%) to be allocated to works outlined in the Bondi Park Plan of Management and a proposed basketball court

(CM/8.5/24.11) for the Bondi Beach area, and \$59,257.50 (25%) to be allocated to the Waverley's Affordable Housing Program, in accordance with Council's Planning Agreement Policy.

2. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.

Division

For the Motion: Crs Fabiano, Frazer, Lewis, Masselos, Merten, Nemesh, Spicer, Spooner, Stephenson, Townsend and Westwood.

Against the Motion: Cr Wy Kanak.

CM/7.11/24.12 NSW Shark Management Program Consultation (A09/0347)

MOTION

Mover: Cr Nemesh

Seconder: Cr Frazer

That Council:

1. Approves the response to the NSW Shark Management Program survey, as set out in the report.
2. Supports the removal of shark nets from Waverley's beaches, as detailed in the survey, on the condition and to the satisfaction of Council that the NSW Department of Primary Industries significantly increases both the use of drone surveillance and the deployment of SMART drumlines to increase the safety of beach users.
3. Notes that the final decision on the NSW Shark Management Program will be made by NSW Department of Primary Industries.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 2.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Approves the response to the NSW Shark Management Program survey, as set out in the report.
2. Supports the removal of shark nets from Waverley's beaches, as detailed in the survey, on the condition and to the satisfaction of Council that the NSW Department of Primary Industries significantly increases both the use of drone surveillance, including funding Council's professional lifeguard services to fly drone shark surveillance, and the deployment of SMART drumlines to increase the safety of beach users.
3. Notes that the final decision on the NSW Shark Management Program will be made by NSW Department of Primary Industries.

J Iggleden and A Curry addressed the meeting.

CM/7.12/24.12 Bondi Golf Course - Water Overflow (A24/0662)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Treats the attachments to the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as they relate to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The attachments contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Installs a cut-off swale on tee 3 fairway at Bondi Golf Course to direct the majority of overland flow at this location towards the cliff edge, in accordance with the concept designs attached to the report.
3. Allocates \$80,000 from the Stormwater Reserve to fund the detailed design and construction.
4. Authorises the Director, Assets and Operations, to make design and construction changes as required to achieve the project outcome.

J Lehmann addressed the meeting.

CM/7.13/24.12 Ernie Page Memorial Plaque (A02/0276)**MOTION / UNANIMOUS DECISION**

Mover: Cr Spooner
Seconder: Cr Merten

That Council:

1. Installs a memorial plaque at the Waverley Cemetery Lookout along the Coastal Walk, as shown in the attachment to the report, to acknowledge the contribution of the Hon Ernie Page OAM to the Waverley area.
2. Holds a formal unveiling of the plaque in February 2025.

CM/7.14/24.12 Garage 2, 17-21 Victoria Street, Queens Park - Licence (A22/0367)**MOTION / UNANIMOUS DECISION**

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Grants a licence to BIKEast Incorporated for Garage 2, 17-21 Victoria Street, Queens Park, for one year with two one-year options, on the terms and conditions set out in the report.
2. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

8. Notices of Motions**CM/8.1/24.12 Murriverie Road and Mitchell Street, North Bondi - Pedestrian Safety (A03/0042-04)****MOTION**

Mover: Cr Nimesh

Seconder: Cr Frazer

That Council:

1. Investigates traffic calming and pedestrian safety measures at the intersection of Murriverie Road and Mitchell Street, North Bondi.
2. Undertakes community consultation on possible solutions by April 2025.
3. Officers prepare a report to the June 2025 Council meeting with the community consultation outcomes, a project scope and a funding strategy to implement traffic and pedestrian safety solutions.
4. Writes to the Rose Bay and North Bondi Precincts informing them of this resolution.

AMENDMENT 1

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That the following clause be added to the motion:

'Notes the ongoing public safety concerns raised by residents of Murriverie Road, North Bondi, and the neighbourhood in relation to witnessing a number of alarming issues in Murriverie Road, including:

- (a) Near misses involving Rose Bay Secondary College school children crossing the road, with three close calls personally observed by constituents.
- (b) The school effectively reporting back saying 'it happens all the time.'
- (c) A resident's own child narrowly escaping being hit by a vehicle.
- (d) Frequent speeding in excess of 60 km/h.
- (e) Reckless and dangerous driving behaviour.
- (f) Heavy traffic from buses and large trucks, exacerbating congestion and safety risks.
- (g) Parked cars being sideswiped almost daily.
- (h) Congestion caused by parked cars at Old South Head Road and the end of Murriverie Road, including vehicles from the nearby school, further compromising safety.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

AMENDMENT 2

Mover: Cr Wy Kanak

Seconder: Cr Fabiano

That clause 3 be amended to read as follows:

'Officers prepare a report to the June 2025 Council meeting with the community consultation outcomes and a project scope and funding strategy to implement traffic and pedestrian safety solutions, including consideration of reducing the speed limit in Mitchell Street and Murriverie Road to 40 km/h.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Investigates traffic calming and pedestrian safety measures at the intersection of Murriverie Road and Mitchell Street, North Bondi.
2. Undertakes community consultation on possible solutions by April 2025.
3. Officers prepare a report to the June 2025 Council meeting with the community consultation outcomes, a project scope and a funding strategy to implement traffic and pedestrian safety solutions.
4. Writes to the Rose Bay and North Bondi Precincts informing them of this resolution.

CM/8.2/24.12 O'Brien Street, Bondi - Pedestrian Safety (A24/0300)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Notes that the Council officers are well progressed in the development of the Bondi Local Traffic Management Plan (LATM), which includes O'Brien Street, Bondi Beach.
2. Officers present the draft Bondi LATM to Council as a matter of urgency at the March 2025 Council meeting.
3. Prioritises the development of measures to increase pedestrian safety in O'Brien Street at the intersections of Wellington Street and Barracluff Avenue.

CM/8.3/24.12 Carrington Road and Judges Lane, Waverley - Pedestrian Refuge (A03/0042-04)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council officers write to Transport for NSW to advocate for a pedestrian refuge in Carrington Road, Waverley, at Judges Lane.

CM/8.4/24.12 Wards - First Nations Dual Naming (A24/0965)

MOTION

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council restates its commitment to dual naming its wards and expedites consultation to reach agreement with local Aboriginal representatives on suitable names.

THE MOTION WAS PUT AND DECLARED LOST.

CM/8.5/24.12 Murriverie Road, North Bondi - Pedestrian and Traffic Safety (A03/0042-04)**MOTION**

Mover: Cr Wy Kanak
Seconder: Cr Fabiano

That Council:

1. Notes the ongoing public safety concerns raised by residents of Murriverie Road, North Bondi, and the neighbourhood in relation to witnessing a number of alarming issues in Murriverie Road, including:
 - (a) Near misses involving Rose Bay Secondary College school children crossing the road, with three close calls personally observed by constituents.
 - (b) The school effectively reporting back saying 'it happens all the time.'
 - (c) A resident's own child narrowly escaping being hit by a vehicle.
 - (d) Frequent speeding in excess of 60 km/h.
 - (e) Reckless and dangerous driving behaviour.
 - (f) Heavy traffic from buses and large trucks, exacerbating congestion and safety risks.
 - (g) Parked cars being sideswiped almost daily.
 - (h) Congestion caused by parked cars at Old South Head Road and the end of Murriverie Road, including vehicles from the nearby school, further compromising safety.
2. Officers propose the following measures to the Waverley Traffic Committee:
 - (a) A reduced speed limit of 40 km/h.
 - (b) Implementation of traffic calming measures.
 - (c) Installation of safe pedestrian crossings, such as zebra crossings, near schools.
 - (d) Consideration of a roundabout at the intersection of Mitchell Street and Murriverie Road.
3. Officers provide guidance to the community on how to effectively advocate for these changes to enhance the safety of our community.

THE MOTION WAS PUT AND DECLARED LOST.

AT THIS STAGE IN THE PROCEEDINGS, CR WY KANAK, SECONDED BY CR FABIANO, MOVED A MOTION OF DISSENT ON THE CHAIR'S RULING THAT A DIVISION COULD NOT BE CALLED ONCE THE ITEM HAD BEEN VOTED ON AND COUNCIL HAD MOVED ON TO THE NEXT ITEM.

THE MOTION OF DISSENT WAS PUT AND DECLARED LOST.

A Pears addressed the meeting.

9. Questions with Notice

There were no questions with notice.

10. Urgent Business

There was no urgent business.

11. Closed Session

CM/11/24.12 **Closed Session**

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
 Secunder: Cr Stephenson

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act* for the reasons specified:

CM/11.1/24.12 CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Funding Strategy

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.2/24.12 CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade – Project Management Services – Negotiation Phase Outcome

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

CM/11.3/24.12 CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update

This matter is considered to be confidential in accordance with section 10A(2)(g) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CM/11.7/24.12 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Beach Public Art Mosaic Restoration and Repairs

This matter is considered to be confidential in accordance with section 10A(2)(d)(i) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

2. Pursuant to sections 10A(1), 10(2) and 10A(3) of the *Local Government Act*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act*.

At 11.15 pm, Council moved into closed session.

CM/11.1/24.12 CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Funding Strategy (A18/0815)

MOTION

Mover: Cr Nemesh
Seconder: Cr Westwood

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves the funding proposal to cover the shortfall for the Bronte Surf Life Saving Club and Community Facilities Building Upgrade, as set out in the report.
3. Approves the continued partnership with the Bronte Surf Life Saving Club and commits to collaboratively promoting the project to all levels of government to secure funding support.
4. Approves the Sustainable Funding Action Plan attached to the report as a guiding document for identifying and pursuing funding opportunities for the project, acknowledging its structured

approach to aligning the project with grant eligibility criteria.

5. Submits grant applications for priority funding programs identified in the Sustainable Funding Action Plan, including the Federal Urban Precincts and Partnerships Program (uPPP), the Active Transport Fund and the State Surf Club Facility Program, ensuring alignment with project objectives and compliance with program requirements.
6. Commits to ongoing engagement with community members, Bronte Surf Life Saving Club members, and other key stakeholders to strengthen funding applications by demonstrating broad support and alignment with local, State and Federal priorities for community and infrastructure development.
7. Officers prepare an updated report on the outcomes of grant applications and further funding recommendations at the April 2025 Council meeting to ensure continued alignment with the Sustainable Funding Action Plan and project priorities.
8. Notes that negotiations have commenced with the top two ranked tenderers for head contractor services for the project.
9. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter, including:
 - (a) The project agreement with Bronte SLSC.
 - (b) The contract with the preferred contractor for head contractor services, subject to funding.

THE MOVER OF THE MOTION ACCEPTED THE ADDITION OF A NEW CLAUSE.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Approves the funding proposal to cover the shortfall for the Bronte Surf Life Saving Club and Community Facilities Building Upgrade, as set out in the report.
3. Approves the continued partnership with the Bronte Surf Life Saving Club and commits to collaboratively promoting the project to all levels of government to secure funding support.
4. Approves the Sustainable Funding Action Plan attached to the report as a guiding document for identifying and pursuing funding opportunities for the project, acknowledging its structured approach to aligning the project with grant eligibility criteria.
5. Submits grant applications for priority funding programs identified in the Sustainable Funding Action Plan, including the Federal Urban Precincts and Partnerships Program (uPPP), the Active Transport Fund and the State Surf Club Facility Program, ensuring alignment with project objectives and compliance with program requirements.
6. Commits to ongoing engagement with community members, Bronte Surf Life Saving Club members,

and other key stakeholders to strengthen funding applications by demonstrating broad support and alignment with local, State and Federal priorities for community and infrastructure development.

7. Officers hold a Councillor briefing in February 2025 on updated loan and funding options for the project.
8. Officers prepare an updated report on the outcomes of grant applications and further funding recommendations at the April 2025 Council meeting to ensure continued alignment with the Sustainable Funding Action Plan and project priorities.
9. Notes that negotiations have commenced with the top two ranked tenderers for head contractor services for the project.
10. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter, including:
 - (a) The project agreement with Bronte SLSC.
 - (b) The contract with the preferred contractor for head contractor services, subject to funding.

B Scaffidi (on behalf of Bronte Surf Life Saving Club) and K Johns (on behalf of Bronte Surf Life Saving Club) addressed the meeting.

CM/11.2/24.12 CONFIDENTIAL REPORT - Bronte Surf Life Saving Club and Community Facilities Building Upgrade - Project Management Services - Negotiation Phase Outcome (A24/0641)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Spicer

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Notes the outcome of the negotiation phase of the tender for project management services for the Bronte Surf Lifesaving Club and Community Facilities Upgrade, as set out in the report.
3. Enters into contract with Bridge42 Pty Ltd for the supply of project management services for the Bronte Surf Life Saving Club and Community Facilities Upgrade for the sum \$559,000 (excluding GST) for a term of 30 months.
4. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

CM/11.3/24.12 CONFIDENTIAL REPORT - Drainage Reserve between Dickson Lane and Belgrave Street, Bronte - Update (A17/0243)

MOTION

Mover: Cr Spicer
Seconder: Cr Townsend

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes that, following an application to the Registrar General, Council is now the registered proprietor of the drainage reserve between Dickson Lane and Belgrave Street, Bronte (Lot 27 DP 2456).
3. Officers investigate the most cost-effective approach to improve the safety of the drainage reserve to allow it to be reopened as a public laneway, with a report to be prepared to the February 2025 Council meeting on the outcome of the investigation.

THE MOVER OF THE MOTION ACCEPTED THE DELETION OF CLAUSE 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(g) of the *Local Government Act 1993*. The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Notes that, following an application to the Registrar General, Council is now the registered proprietor of the drainage reserve between Dickson Lane and Belgrave Street, Bronte (Lot 27 DP 2456).

Division:

For the Motion: Crs Fabiano, Frazer, Lewis, Masselos, Merten, Nemesh, Spicer, Spooner, Stephenson, Townsend, Westwood and Wy Kanak.

Against the Motion: Nil.

D Mitchell addressed the meeting.

CM/11.4/24.12 CONFIDENTIAL REPORT - Shop 1, 276 Bronte Road, Waverley - Lease (A16/0481)

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom

Council is conducting (or proposes to conduct) business.

2. Grants a lease to Deirde De Bruyn (trading as Bronte GP) for Shop 1, 276 Bronte Road, Waverley, for one year with two one-year options, on the terms and conditions set out in the report.
3. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.

**CM/11.5/24.12 CONFIDENTIAL REPORT - Commercial Waste - Fees and Charges 2025
(SF24/3303)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(ii) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a competitor of Council.
2. Adopts the fees and charges for commercial waste services as set out in Table 2 of the report for the period 1 January 2025 to 31 December 2025.

**CM/11.6/24.12 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Pavilion First Floor Bar and
Catering Services (A24/0707)**

Council dealt with this item in open session.

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh
Seconder: Cr Stephenson

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for the Bondi Pavilion first floor bar and catering services, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Declines to invite fresh tenders or applications as referred to in section 178(3)(b)–(d) of the *Local Government (General) Regulation 2021*, as Council has tested the market with an open tender process.
4. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the evaluated tenderer and other

service providers with a view to entering into a contract for the first floor bar and catering services to more closely align with community and Council requirements for the operation of the bar.

5. Authorises the General Manager or delegate to complete negotiations and execute all necessary documentation to finalise the matter.
6. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

CM/11.7/24.12 CONFIDENTIAL REPORT - Tender Evaluation - Bondi Beach Public Art Mosaic Restoration and Repairs (SF24/30)

MOTION

Mover: Cr Nemesh

Seconder: Cr Lewis

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for the restoration and repair of the public art mosaics at Bondi Beach, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. Invites fresh tenders in accordance with section 167 of *Local Government (General) Regulation 2021* when adequate funding has been obtained by additional allocations under the Capital Works Program or through grant funding opportunities.
4. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

THE MOVER OF THE MOTION ACCEPTED AN AMENDMENT TO CLAUSE 3.

THE MOTION AS AMENDED WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION

That Council:

1. Treats the report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
2. Declines to accept any of the tenders for the restoration and repair of the public art mosaics at Bondi Beach, in accordance with section 178(1)(b) of the *Local Government (General) Regulation 2021*.
3. In accordance with section 178(3)(e) of the *Local Government (General) Regulation 2021*, authorises the General Manager or delegate to enter into negotiations with the preferred tenderer with a view to entering into a contract to restore and repair the mosaics in accordance with a priority restoration program within the allocated budget, with the Bondi mosaics being first priority.

- 4. Notifies unsuccessful tenderers of the decision in accordance with section 179 of the *Local Government (General) Regulation 2021*.

12. Resuming in Open Session

CM/12/24.12 Resuming in Open Session

MOTION / UNANIMOUS DECISION

Mover: Cr Nemes
Seconder: Cr Westwood

That Council resumes in open session.

At 12.07 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

13. Meeting Closure

THE MEETING CLOSED AT 12.17 AM.

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SIGNED AND CONFIRMED
MAYOR
18 FEBRUARY 2025